IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 478 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

NARBHERAM GHELABHAI RAJGOR

Appearance:

MR ND GOHIL, ADDL. PUBLIC PROSECUTOR for Petitioner

MR DR BHATT for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/05/2000

ORAL JUDGEMENT

1. This is a revision application at the instance of the State of Gujarat u/s 397 read with section 401 of the Criminal Procedure Code, 1973, challenging the judgement and order of the learned JMFC, Veraval in Criminal Case No.4160/89, allowing the application of the accused at

exh.36, and closing the prosecution evidence and acquitting the accused on the basis of the Supreme Court decision in the case of Raj Deo Sharma, reported in 1999 (1) GLR 709.

2. I have heard the learned counsel for the applicant, and perused carefully with the assistance of learned counsel, the impugned judgement and order.

3. On the facts of the case, and on the basis of the factual data noted and recorded in the said judgement, I am satisfied that the prosecution has not been as diligent as it could have been in leading evidence, and that the delay of over 10 years is attributable mainly to the prosecution. I therefore see no justifiable reason for interfering with the impugned order passed by the learned Magistrate.

4. This revision application is therefore dismissed and rule is discharged. Interim relief is vacated.

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